



CITY OF STANLEY

ORDINANCE # 190

AN ORDINANCE RELATING TO THE STANLEY CITY CEMETERY

AN ORDINANCE OF THE CITY OF STANLEY, CUSTER COUNTY, IDAHO:

ADDING TITLE 12, CHAPTER 12.20 CITY CEMETERY

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STANLEY, IDAHO AS FOLLOWS:

Section 1: Title 12, Chapter 12.20 of the Stanley Municipal Code is hereby enacted as follows:

12.20.010 CEMETERY DESIGNATED: The official plat of the cemetery is on file in the Stanley City Office.

12.20.020 DEFINITIONS: For the purpose of this Chapter the following definitions shall apply:

- A. "Cemetery" is the City burial park for burial of the human dead.
- B. "Cremains" shall mean the cremated remains of a single human body, in a container suitable for interment.
- C. "Marker" is a monument, flat marker, tablet, headstone or tombstone.
- D. "Plot" is a designated piece of ground in the burial park intended for human interment.

12.20.030 CONVEYANCE OF LOTS: Cemetery spaces shall be conveyed by the City by furnishing the purchaser a certificate describing the location of the space(s) and signed by the Mayor and Clerk. Such certificates shall vest in the owner, his or her heirs and assigns, a right in fee simple to the plots for the sole purpose of interment.

12.20.040 OWNERSHIP REVERTS TO CITY:

- A. If an attempt is made to use the plots, or if any part of them is used for any purpose other than for interment purposes as set forth in this ordinance, the plots will automatically revert to the City and the City may reenter the property and hold the same for resale.
- B. In the event said plot(s) are not used for interment purposes within fifty years from the date of purchase, any such plot shall revert to the City. The fifty year period may be extended upon written application by the purchaser, or current owner, and approval of the City prior to the expiration of the fifty years. For plots purchased prior to the enactment of this ordinance, the date of plot certificate issuance shall be used as the purchase date.

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12.20.050 **FEES:** All fees for cost of burial or memorial plots shall be set by Resolution of the Stanley City Council. All cost related to interment are the responsibility of the family of the deceased, mortician, heirs or other representatives or agents of the deceased. All fees shall be filed prior to issuance of the certificate, and the right to use a space for interment shall not be granted until all fees are paid and the certificate issued.

12.20.060 **RIGHTS OF INTERMENT:** A person whose name is subscribed on the certificate shall have the right to be interred in the plot specified on the certificate. The owner shall also have the right to specify, by means of a will or other legal document, that an additional interment be allowed in this plot subject to the provisions set forth elsewhere in this chapter.

12.20.070 **TRANSFERS, ASSIGNMENTS:** No transfer or assignment of any plot or interest therein shall be valid until the consent of the City Clerk has been endorsed thereon and the same has been included in the records of the city. Such transfers or assignments shall be made in writing and a fee shall be paid therefore.

12.20.080 **EXHUMATION:** Any disinterment must comply with current Idaho State Code. All permits and court orders must be filed with the City prior to any action.

12.20.090 **REGULATIONS FOR PLOT USE.**

A. **DEATH CERTIFICATE:** A death certificate must be filed with the City Clerk prior to any interment or placement of grave marker.

B. **NUMBER OF INTERMENTS:** Generally only one body may be interred per plot. However, multiple interments as provided herein may be allowed for members of a plot owner's immediate family, heirs, or assigns, subject to presentation of proof in writing to the city that the owner gave permission for the additional interment. No such additional use of an owner's grave plot shall be permitted without documentation of this written permission. A maximum of two interments shall be allowed in any given plot; provided, however that such multiple interments may consist solely of one of the following combinations:

1. One body plus one cremains if a burial plot; or
2. Two cremains if a burial or memorial plot.

C. **METHOD OF INTERMENT:** Mechanical equipment may be used for purposes of interment, provided that said equipment can safely be used without disturbing or driving over any plots other than the one receiving the interment. For some plots, excavation will need to be done by hand in order to satisfy this requirement. Occupied plots may not be used for any storage of dirt, stones, headstones or any other materials.

D. **PROHIBITED STRUCTURES:** No person shall erect or maintain any fence, corner post, hedge or boundary of any kind other than of low rock or stone. No person shall grade the

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ground or land of any plot in the cemetery except with written permission of the City. No piling of dirt is permitted. Finished grave shall be level with surrounding grounds.

- E. SHRUBS AND TREES: No trees, shrubs or vegetation other than grass or flowers shall be planted or grown on cemetery plots. Plantings in other areas of the cemetery may be made only with the explicit permission of the City and only in locations specified by the City. Shrubs and trees are defined as any plant that develops a woody type root, including roses, azaleas, etc. Pruning, removing or transplanting of any trees, shrubs or plants on the cemetery grounds may only be done by city personnel or with written permission of the City.
- F. ANIMALS: No dogs or other animals are permitted to run at large upon the grounds.
- G. ORNAMENTS AND FLOWER ARRANGEMENTS: The city has the authority to remove all floral arrangements, weeds, trees, shrubs, plants, herbage of any kind or any items placed on a plot from the cemetery as soon as, in the judgment of the city maintenance personnel, they become unsightly, dangerous, detrimental or diseased. The City shall not be liable for floral pieces, baskets or frames in which or to which such floral pieces are attached.
- H. MONUMENT SPECIFICATIONS: It is unlawful for any person to erect any monument or marker that exceeds 30 inches in height from ground level. Foot stone markers are allowed but they shall not exceed ground level.
- I. SUBDIVISION OF PLOTS: The subdivision of plots is not allowed and no one shall be interred in a plot not having any interest therein except by written consent of the city and of all parties interested in such plot.

12.20.100 GENERAL USE OF THE CEMETERY:

- A. Improprieties. It is of the utmost importance that there shall be strict observance of the proprieties of the cemetery, whether embraced in this chapter or not. The city shall have the power to prevent improper assemblages on cemetery grounds.
- B. Use of walks. Travel within the cemetery shall be limited to walkways, unless plot access cannot be accomplished without crossing other plots.
- C. Children. Children under fifteen years shall not be permitted within the cemetery unless accompanied by a responsible adult.
- D. Vehicles. No bicycles or motorized vehicles are allowed on cemetery grounds except for the processes of interment as specified herein.
- E. Flora and Fauna. All persons are prohibited from gathering flowers, either wild or cultivated; harming trees, shrubbery or other plants; or feeding or disturbing birds or other animal life.

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F. Littering. Discarding rubbish on the drives, paths or any part of the cemetery grounds is prohibited.

12.20.110 EMERGENCY CLOSURE: The Mayor has the authority to temporarily close the cemetery, or a portion thereof, for the protection of the cemetery or for other reasons in the best interest of the City.

12.20.120 GENERAL DISCLAIMERS AND RESERVATIONS:

A. DISCLAIMERS:

1. The city disclaims all responsibility for loss or damage caused by the elements, an act of God, thieves, vandals, malicious mischief-makers, explosions, or unavoidable accidents whether the damage is direct or collateral.
2. Telephoned/Verbal orders. The city shall not be held responsible for any order given by telephone, or for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in a plot where interment is desired.
3. Delays caused by protests. The city shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or where this chapter has not been complied with.
4. Embalming or identification. The city shall not be liable for the interment permit nor for the identity of the person sought to be interred; nor shall the city be liable in any way for the embalming of the body.
5. Removal. The city shall not be responsible for the disinterment or removal of any body, casket or burial urn.

B. RESERVATIONS:

1. Roadways and Replatting. The right and privilege to resurvey, enlarge, diminish, replat, alter in shape or size or otherwise to change all or any part of the property mapped and platted, including the right to lay out, establish, close, eliminate or otherwise modify or change the locations of roads, walks or drives, and to file amended maps or plats thereof, and to use the same for the erection of building or for any purposes or uses connected with, incidental to or convenient for the care, preservation or preparation for the disposal or interment of human remains or other cemetery purposes, together with easements and rights-of-way over and through the premises and the right of installing, maintaining and operating pipelines, conduits or drains for sprinklers, drainage, electric communications lines or for any other purpose is expressly reserved.
2. No easement or right of interment is granted to any plot owner in any road, drive, alley or walk within the cemetery, but such road, alley or walk may be used as a means of access to the cemetery or building as long as the city devoted it to that purpose.

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- 3. The right is reserved by the city to insist upon at least twenty-four hour's notice before any interment, and to at least one week's notice prior to any disinterment or removal.
- 4. The city reserves, and shall have the right to correct any errors that may be made by it in the description, transfer or conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the City or refunding the amount of money paid on account of the purchases. In the event the error shall involve the interment of the remains of any person in such property, the City reserves and shall have the right to remove and reenter the remains to such property of equal value an similar location as may be substituted and conveyed in lieu thereof.

12.20.130 PENALTIES:

A. Violation of this chapter shall be the basis for the issuance of an infraction, the penalty for which to be established by resolution of the Stanley City Council.

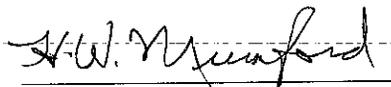
Section 2: REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: SEVERABILITY: If any section, subsection, clause, or phrase of this ordinance is for any reason held invalid, such decision or decisions shall not affect the remaining portions of this ordinance.

This ordinance shall be in full effect following its passage and publication, as provided by law.

Passed this 9th day of May, 2013

CITY OF STANLEY
Custer County, Idaho


Herbert Mumford, Mayor

ATTEST:


Doug Plass, City Clerk



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